

Exhibit A

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

RONNIE GILES,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO. 3:06 CV 528-WKW
)	
MASTERBRAND CABINETS, INC.,)	
)	
Defendant.)	

AFFIDAVIT OF WILLIAM H. WEBSTER

Before me, the undersigned notary in and for the State of Alabama at large, appeared William H. Webster, who being first duly sworn by me, deposes and states as follows:

1. My name is William H. Webster. I am an adult, over age 18, of sound mind and competent to testify as to all matters contained in this Affidavit. All matters and opinions contained in this Affidavit are within my personal knowledge. I give this affidavit supporting MasterBrand Cabinets, Inc., in their opposition to the Motion for Attorney Fees filed by counsel for Ronnie Giles in the above styled action.

2. I was admitted to practice in the State of Alabama in 1992. I practice in both state and Federal courts in Montgomery, Alabama and the surrounding area. My law firm, Webster, Henry, Lyons & White, P.C., maintains offices in both Montgomery and Auburn, Alabama, where we handle civil litigation in a variety of areas, including employment discrimination and retaliation claims.

3. I have communicated with the attorneys representing MasterBrand Cabinets, Inc. about the issues in this case, and I have examined the application for attorneys' fees and the

accompanying documents submitted by Plaintiff's counsel. I have been asked by Masterbrand's attorneys to provide an opinion regarding the reasonableness of Plaintiff's counsel's fee request.

4. I am familiar with rates billed and paid in civil litigation in the Montgomery and Opelika area.

5. In 2007, the prevailing rates in the Montgomery and Opelika area for cases such as this one for plaintiffs' attorneys with Mr. Arendall's level of experience is approximately \$250 per hour and the prevailing rates for plaintiffs' attorneys with Mr. Arnold's level of experience range from \$135 to \$150 per hour.

6. Plaintiff Ronnie Giles's retaliation claim under the Family and Medical Leave Act, 29 U.S.C. § 2615 involved simple allegations arising out of the application of Masterbrand's Attendance policy and the ultimate issue whether Giles's exercise of his FMLA rights was causally related to the termination of his employment. The claim did not require wide ranging discovery or expert analysis and did not raise any novel legal questions. The claims and issues in this case were neither unusual nor complex, and, in fact, are fairly typical of FMLA retaliation cases.

7. Based on my knowledge of the legal market, I believe that Mr. Giles likely could have found an attorney in the Montgomery and Opelika area who was both willing to take a case such as this one and possessed sufficient skill and experience in FMLA matters to prosecute the case efficiently and effectively.

8. In my experience, cases such as this one are generally attractive to plaintiff's counsel. Because the costs of defense of such cases can often equal or exceed the damages claimed, such cases are frequently settled by defendants for economic reasons or to avoid the

risks of going to trial, even where a plaintiff's claims lack substantial merit. Plaintiff's counsel are thus often able to obtain recoveries in such cases with a minimal investment of time and effort and without facing significant danger of obtaining no return at all.

9. Based on my knowledge of the prevailing hourly rates charged by attorneys with comparable skill and experience in similar litigation, the hourly rates requested by David R. Arendall and Allen D. Arnold are excessive and above the range of appropriate hourly charges for legal services in the Montgomery and Opelika area.

10. I do not believe that there would be any grounds to support a premium rate for Plaintiff's counsel in this case in excess of the prevailing rates for the local community. The claims in this case were routine and did not require any extraordinary expertise, experience, or effort to prosecute, nor did they present any unusual risks.

11. Based on my knowledge of Mr. Arendall's and Mr. Arnold's practice and experience and the claims involved in this litigation, I believe a reasonable hourly rate for their services would be \$250 and \$150 an hour, respectively.

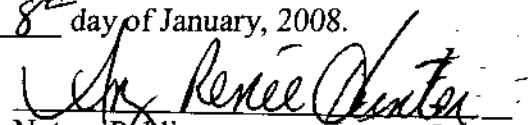
Further affiant saith not.



William H. Webster

STATE OF ALABAMA)
)
COUNTY OF MONTGOMERY)

Sworn to and subscribed before me on this 8th day of January, 2008.



Notary Public
My Commission Expires 9/10/08